

Attorney(s) name(s) and state bar number (space below for
Law Firm filing stamp only)
Address
Telephone number
Facsimile number
E-mail address

Attorney(s) for Protestant

SAMPLE PROTEST
3060 Modification of Franchise

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of)
NAME OF DEALERSHIP,) Protest No. (leave blank)
Protestant,)
vs.) **PROTEST**
NAME OF MANUFACTURER/DISTRIBUTOR,) [V.C. sec. 3060]
Respondent.)

Protestant, _____, through its attorney(s), files
this protest under the provisions of California Vehicle Code section
3060 and alleges as follows:

1. Protestant is a new motor vehicle dealer selling _____,
and is located at _____. Protestant's
telephone number is _____.

2. Respondent distributes _____
products
and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of Attorney
or Protestant (if representing self)], whose address and telephone

1 number are _____.

2 4. On or about _____, Protestant received from
3 Respondent a letter dated, _____, advising Protestant that
4 Respondent intends to replace its existing franchise agreement with a
5 new agreement.

6 5. Respondent's actions will result in the modification and
7 replacement of Protestant's franchise, without notice, and without
8 Protestant's knowledge of consent, and such modification and replacement
9 will substantially affect Protestant's sales and service obligations and
10 investments, in violation of the provisions of California Vehicle Code
11 Section 3060.

12 6. Respondent does not have good cause to modify or to replace
13 the franchise by reason of the following facts:

14 (a) Protestant has made a substantial and permanent investment in
15 the dealership.

16 (b) Protestant has transacted and is transacting an adequate
17 amount of _____ business compared to the business available to
18 it.

19 (c) Protestant has fulfilled the warranty obligations to be
20 performed by it.

21 (d) The extent of any failure of Protestant to comply with the
22 terms of the franchise agreement is immaterial.

23 (e) Protestant has adequate motor vehicle sales and service
24 facilities, equipment, vehicle parts, and qualified service personnel to
25 reasonably provide for the needs of _____ buyers and owners in the
26 market area and is rendering adequate service to the public.

1 (f) It would be injurious to the public welfare for the franchise
2 to be terminated or for Respondent to refuse to continue the existing
3 franchise.

4 7. Protestant and its attorney(s) desire to appear before the
5 Board and estimate that the hearing in this matter will take _____ days
6 to complete.

7 8. A Pre-Hearing Conference is requested.

8 WHEREFORE, Protestant prays as follows:

9 1. That the Board sustain this protest and order Respondent not
10 to modify Protestant's franchise nor refuse to continue its existing
11 franchise.

12 2. That pending the hearing in this matter, the Board or its
13 secretary or authorized representative immediately order Respondent not
14 to modify, replace, or refuse to continue Protestant's franchise until
15 such time as Respondent has established good cause for such actions
16 under the provisions of Vehicle Code Sections 3060 and 3061.

17
18 DATED: _____
19
20

21 By _____
22 Attorney(s) name(s)
23 (original signature required)
24

25 * * * * THE PROTEST MAY NOT BE PROCESSED WITHOUT AN * * * *

26 ATTACHED PROOF OF SERVICE AND A \$200.00 CHECK TO
27 COVER PROTESTANT'S FILING FEE

28 [Rev2-00\3060mod.pdf](#)